

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 14-228—sSB 465
Judiciary Committee
Appropriations Committee

AN ACT CONCERNING IGNITION INTERLOCK DEVICES

SUMMARY: This act makes a number of changes affecting driving under the influence (DUI), driver's license suspensions, and ignition interlock device (IID) requirements, starting July 1, 2015. It affects penalties imposed when a person is (1) administratively found to have violated drunk driving laws (administrative per se) or (2) convicted of DUI.

Among other things, the act:

1. reduces the license suspension period for all administrative per se violations to 45 days, but imposes ignition interlock requirements after the suspension ends (§§ 1 & 6);
2. eliminates the 90-day waiting period for a special operator's permit for a first administrative per se violation for refusing to submit to a blood alcohol content (BAC) test (§ 2);
3. changes the required license suspension period for someone who fails to use an IID as required (§ 3);
4. specifically allows the motor vehicles (DMV) commissioner to impose IID requirements on Connecticut residents following an out-of-state DUI conviction that occurs within 10 years of a previous DUI conviction in Connecticut or another state (§ 4); and
5. decreases, in some cases, the suspension period for drivers under age 21 convicted of DUI for the second time (§ 5).

The act also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2015

§§ 1 & 6 — ADMINISTRATIVE PER SE LICENSE SUSPENSION AND IID REQUIREMENTS

By law, motorists implicitly consent to be tested for drugs or alcohol when they drive. The law establishes administrative license suspension procedures for drivers who refuse to submit to a test or whose test results indicate an elevated BAC, which is generally .08% or more for drivers age 21 or older. (These provisions are called "implied consent" and "administrative per se," respectively.)

Table 1 displays the administrative per se license suspension periods under prior law. For drivers under age 21, prior law doubled the suspension period, except a first violation for a 16- or 17-year-old resulted in a suspension for (1) one year if the driver tested with an elevated BAC or (2) 18 months if the driver refused to take the test. (Drivers younger than age 21 have an elevated BAC if it

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is found to be .02% or more.)

Table 1: Administrative Per Se License Suspension Periods for Drivers Age 21 or Older, Under Prior Law

<i>Per Se Offense</i>	<i>First Suspension</i>	<i>Second Suspension</i>	<i>Third or Subsequent Suspension</i>
BAC of (1) .08% or more or (2) .04% or more if operating a commercial vehicle	90 days	9 months	2 years
BAC of .16% or more	120 days	10 months	2 ½ years
Test Refusal	6 months	1 year	3 years

The act reduces the license suspension period for all administrative per se violations to 45 days but imposes ignition interlock requirements after the suspension period. An IID requires the driver to breathe into it. If the device detects a BAC above a certain threshold, it prevents the vehicle from being started.

The act (1) requires the driver to install and maintain an IID on each motor vehicle he or she owns or operates as a condition of license restoration and (2) prohibits the driver from operating a vehicle without an IID during the period when the IID requirements apply. The required periods of IID use are shown in Table 2.

Table 2: Required Periods of IID Use Under the Act, After Administrative Per Se License Suspension

<i>Per Se Offense</i>	<i>IID Requirement (After 45-Day License Suspension)</i>		
	<i>First Suspension</i>	<i>Second Suspension</i>	<i>Third or Subsequent Suspension</i>
<u>Age 21 or older:</u> BAC of (1) .08% or more or (2) .04% or more if operating a commercial vehicle	6 months	1 year	2 years
<u>Under Age 21:</u> BAC of .02% or more	1 year	2 years	3 years
Test refusal, regardless of age	1 year	2 years	3 years

The act provides that any longer period of IID use for a DUI conviction applies in place of these periods. By law, in addition to license suspension and IID

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requirements, a person convicted of DUI is subject to imprisonment, probation, and fines.

The act also specifies that notwithstanding these provisions on administrative suspensions, someone whose license is permanently revoked for a third DUI conviction is subject to existing requirements regarding applications for reinstatement and required IID use. Among other things, these provisions allow the person to request restoration after two years, subject to various conditions. If the DMV commissioner restores the license, she must require lifetime use of an IID, but the person can request removal of the IID for good cause after 15 years (CGS § 14-111(i)(2)).

By law, the DMV commissioner must adopt regulations to implement the administrative per se license suspension and related provisions.

§ 2 — SPECIAL OPERATOR'S PERMIT

By law, certain people whose driver's licenses have been suspended may apply for a special permit that allows them to drive to and from (1) work or (2) a higher education institution or private occupational school in which they are enrolled.

Prior law prohibited DMV from issuing such a permit to someone whose license was suspended for a first violation of refusing to submit to a test, until the person had served at least 90 days of the suspension. The act removes this prohibition. (As noted above, the act reduces this suspension period to 45 days and requires IID use after that period.)

§ 3 — FAILURE TO USE IID

Under prior law, someone who failed to use an IID as required was subject to an additional license suspension as the DMV commissioner prescribed, up to the length of the original suspension. The act instead requires a suspension until the person demonstrates to the commissioner's satisfaction that he or she intends to install and maintain the IID for the required period.

§ 4 — IID AND OUT-OF-STATE CONVICTIONS

By law, DMV must suspend a person's driver's license for the period required for a DUI conviction in Connecticut if a member jurisdiction of the interstate Driver License Agreement reports a conviction in that jurisdiction. For license suspension purposes, the commissioner can consider such an out-of-state conviction to be a second or subsequent conviction if the person was convicted of DUI within the previous 10 years in Connecticut or another state. The act specifies that DMV may impose IID requirements as well as license suspensions for these second or subsequent DUI convictions.

§ 5 — DUI CONVICTIONS

Under prior law, someone under age 21 convicted of DUI for a second time received a license suspension for the longer of 45 days or until he or she reached

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age 21. The act instead subjects these drivers to the same penalties as drivers age 21 or over. This limits the license suspension period to 45 days, eliminating a potentially longer period for some drivers until reaching age 21. As under prior law, the license suspension is followed by three years of IID use. During the first year the person may only drive to and from work, school, an alcohol or drug treatment program, an IID service center, or an appointment with a probation officer.

The act eliminates a separate provision that required DMV to suspend the driver's license of someone under age 18 convicted of DUI until the person reached age 18 if it was a longer period than otherwise required by law.

Under prior law, the DMV commissioner had to allow someone whose license had been suspended for a first or second DUI conviction to operate a vehicle if the person (1) had served the required suspension under the DUI conviction, even if the person had not completed any administrative per se suspension and (2) complied with IID requirements. The act instead specifies that the commissioner must let such a person operate a vehicle if the person has served either of the required suspension periods and complies with IID requirements.

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